

FILED

JAN 04 2024

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

Eastern Division

JOHN KOE, a pseudonym

Case No.

1:24 CV 00024

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

see attached

Jury Trial: (check one)



Yes



No

JUDGE RUIZ**MAG JUDGE ARMSTRONG**Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR EMPLOYMENT DISCRIMINATION**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	JOHN KOE , a pseudonym
Street Address	PO BOX 527
City and County	NOVELTY, GEAUGA CO.
State and Zip Code	OH 44072-0527
Telephone Number	330-732-5001
E-mail Address	john@johnkoe.org

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Rec'd #149443 \$405.00 1/4/2024 Cmtt

Defendant No. 1

Name	UNIVERSITY HOSPITALS HEALTH SYSTEM, INC.
Job or Title <i>(if known)</i>	c/o ACFB INC., Statutory Agent
Street Address	200 PUBLIC SQUARE, STE 2300
City and County	CLEVELAND CUYAHOGA
State and Zip Code	OH 44114
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	UNIVERSITY HOSPITALS CLEVELAND MEDICAL CENTER
Job or Title <i>(if known)</i>	c/o ACFB INC., Statutory Agent
Street Address	200 PUBLIC SQUARE, STE 2300
City and County	CLEVELAND CUYAHOGA
State and Zip Code	OH 44114
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	Seamus McMahon
Job or Title <i>(if known)</i>	Associate General Counsel
Street Address	322 Long Pointe Dr.
City and County	Avon Lake, Lorain Co.
State and Zip Code	OH 44012-2424
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	see attached for Defendants No. 4 onward
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	UNIVERSITY HOSPITALS CLEVELAND MEDICAL CENTER
Street Address	11100 EUCLID AVE
City and County	CLEVELAND CUYAHOGA
State and Zip Code	OH 44106
Telephone Number	

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to *(check all that apply)*:



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Other federal law *(specify the federal law)*:

Genetic Information Nondiscrimination Act of 2008, as codified, 42 U.S.C. § 2000ff et seq.



Relevant state law *(specify, if known)*:

Ohio Civil Rights Act, Ohio Rev. Code § 4112.02



Relevant city or county law *(specify, if known)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
☒ Termination of my employment.
☐ Failure to promote me.
☐ Failure to accommodate my disability.
☒ Unequal terms and conditions of my employment.
☒ Retaliation.
☒ Other acts *(specify)*: Interference; Prohibited Med. Inq.; GINA Acquisition; Aiding and Abetting

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)
May 2020 - September 2022

C. I believe that defendant(s) *(check one)*:

- ☒ is/are still committing these acts against me.
☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☒ reprisal for participation and opposition
☐ color _____
☒ gender/sex male
☐ religion _____
☐ national origin _____
☐ age *(year of birth)* _____ *(only when asserting a claim of age discrimination.)*
☒ disability or perceived disability *(specify disability)*
erroneously regarded as suffering from chemical dep.

E. The facts of my case are as follows. Attach additional pages if needed.

see attached

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

On or about 03/03/2021; on or about 08/02/2021; and on or about 08/26/2022

- B. The Equal Employment Opportunity Commission *(check one)*:

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on *(date)* 10/06/2023.

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☐

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

see attached

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 01/03/2024

Signature of Plaintiff

John Koe John Koe 01/04/2024

Printed Name of Plaintiff

John Koe

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

ATTACHMENT

CAPTION

Defendants (Short Caption):

UNIVERSITY HOSPITALS HEALTH SYSTEM, INC., et al.

Defendants (Complete List):

UNIVERSITY HOSPITALS HEALTH SYSTEM, INC.;
UNIVERSITY HOSPITALS CLEVELAND MEDICAL CENTER;
SEAMUS MCMAHON;
DAVID CAMPBELL;
ROBERT RONIS;
CATHLEEN CERNY-SUELZER;
ANDREW HUNT;
SUSAN NEDOROST; and
KATHERINE VANSTRATTON

DEFENDANTS

Defendant No. 4

Name	David A. Campbell, III
Job or Title (<i>if known</i>)	Labor and Employment Defense Attorney
Street Address	23814 Cliff Dr.
City and County	Bay Village, Cuyahoga Co.
State and Zip Code	OH 44140-2907
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 5

Name	Robert J. Ronis
Job or Title (<i>if known</i>)	Chair, Department of Psychiatry
Street Address	2726 W Park Blvd.
City and County	Shaker Heights, Cuyahoga Co.
State and Zip Code	OH 44120-1679
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 6

Name
Job or Title (*if known*)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (*if known*)

Cathleen A. Cerny-Suelzer
Program Director, Psychiatry Residency
3260 Wynde Tree Dr.
Seven Hills, Cuyahoga Co.
OH 44131-5956

Defendant No. 7

Name
Job or Title (*if known*)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (*if known*)

Andrew W. Hunt
Associate Program Director, Psychiatry Residency
29219 Cowles Dr.
Bay Village, Cuyahoga Co.
OH 44140-1837

Defendant No. 8

Name
Job or Title (*if known*)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (*if known*)

Susan T. Nedorost
Director of Graduate Medical Education
2359 E Main St.
Bexley, Franklin Co.
OH 43209-2421

Defendant No. 9

Name
Job or Title (*if known*)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (*if known*)

Katherine VanStratton
Human Resources
3671 W 140th St.
Cleveland, Cuyahoga Co.
OH 44111-3342

FACTS

1. John Koe despite his use of a pseudonym is a real person with real injuries who resides in Geauga County, Ohio.

2. UH employed John Koe from on or about June 23, 2019, until on or about April 23, 2021.
3. Koe was employed in the context of UH's Graduate Medical Education General (Adult) Psychiatry Residency Program which is 4 years in length.
4. On or about June 19, 2019, Koe began working as a PGY-1 (i.e. first year) Resident Physician.
5. Effective on or about June 28, 2020, Koe began working a PGY-2 (i.e. second year) Resident Physician.
6. Starting around September 4, 2021, UH required Koe to participate in its mandatory (i.e. non-voluntary) EAP program, and execute HIPPA Authorization Forms allowing disclosure of otherwise protected information to UH managers and supervisors, as a condition of continued employment.
7. On or about March 3, 2021, Koe filed a charge of discrimination against UH over its mandatory EAP program with the U.S. Equal Employment Opportunity Commission ("EEOC").
8. On or about March 4, 2021, Koe filed a charge of discrimination against UH over its mandatory EAP program with the Ohio Civil Rights Commission ("OCRC").
9. UH had actual notice of Koe's EEOC charge no later than on or about March 10, 2021.
10. On April 22, 2021, UH via its EAP demanded Koe provide medical information related a medical appointment he attended on April 15, 2021.
11. On April 22, 2021, Koe opposed the request based on his reasonable and good faith belief that UH had no legitimate business need for this information and that the request constituted a violation of his right to medical privacy in the workplace.

12. On April 22, 2021, Koe requested his medical or health information records from UH's internal EAP.
13. On April 23, 2021, UH abruptly discharged Koe from his employment and denied him access to its fair discipline and discharge review procedures.
14. UH discharged Koe because of his protected activity including his filing of a charge with the EEOC and participation with the EEOC's ongoing investigation into the same.
15. UH discharged Koe because of his protected activity including his filing of a charge with the EEOC and participation with the EEOC's ongoing investigation into the same.
16. On or about August 2, 2021, Koe amended his EEOC charge to include retaliatory discharge.
17. Since Koe filed his amended charge in August 2, 2021 alleging retaliatory discharge, UH has repeatedly threatened and otherwise discriminated against Koe in a way to interfere with his employment opportunities because of protected activity including his filing of a charge with the EEOC, participation with the EEOC's ongoing investigation into the same, and his pursuit of claims under Title VII, the ADA, the GINA, and Ohio Rev. Code. 4112.02.
18. On or about August 26, 2022, Koe filed a charge with the Ohio Civil Rights Commission complaining about the discrimination and retaliation he suffered during his employment with UH.
19. Individuals who aided and abetted or otherwise participated in the retaliatory discharge of Koe during the ongoing EEOC investigation include Associate General Counsel Seamus McMahon; Chair of Psychiatry Robert Ronis; Psychiatry Program Director Cathleen Cerny-Suelzer; Psychiatry Associate Program Director Andrew Hunt;

Designated Institutional Official Susan Nedorost, and HR Representative Katherine VanStratton.

20. On belief and information, David A. Campbell, III aided, abetted, incited, compelled, or coerced the retaliatory discharge of Koe during the ongoing EEOC investigation.
21. Individuals who aided, abetted, incited, compelled, or coerced the post-discharge retaliatory conduct undertaken against Koe include, without limitation, David A. Campbell, III; Associate General Counsel Seamus McMahon; Chair of Psychiatry Robert Ronis; Psychiatry Program Director Cathleen Cerny-Suelzer; Psychiatry Associate Program Director Andrew Hunt; Designated Institutional Official Susan Nedorost, and HR Representative Katherine VanStratton.
22. The unlawful employment practices complained of above were intentional.
23. The unlawful employment practices complained of above were done with malice or reckless indifference to Koe's federally protected rights.
24. In the retaliatory actions complained of above, Defendants acted with malice or reckless indifference to the rights of Koe.

RELIEF

- A. Order UH to institute and carry out policies, practices, and programs which provide equal employment opportunities for qualified individuals with disabilities, and which eradicate the effects of its past and present unlawful employment practices.
- B. Order UH to make whole John Koe by providing appropriate back pay with prejudgment interest, in an amount to be determined at trial, and other affirmative relief necessary to eradicate the effects of its actions against Koe, including but not limited to reinstatement with retroactive seniority and benefits or front pay in lieu thereof.

- C. Order Defendants to make whole John Koe by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices in amounts to be determined at trial.
- D. Order Defendants to make whole John Koe by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of above, including emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses, in amounts to be determined at trial.
- E. Order Defendants to pay John Koe punitive damages for the malicious and reckless conduct described above, in an amount to be determined at trial.
- F. Grant such further relief as the Court deems necessary and proper in the public interest.
- G. Award the John Koe and his legal representative(s) the costs of this action.

JURY TRIAL DEMAND

Plaintiff John Koe requests a jury trial on all questions of fact raised by his Complaint.

Dated: January 3, 2024

Respectfully submitted,

John Koe John Koe

John Koe
PO Box 527
Novelty OH 44072-0527
Tel: (330) 732-5001
Email: john@johnkoe.org
Plaintiff, self-represented

01/04/2024